

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

VILLAGE MANOR, INC., CLEVELAND :
DEVELOPMENT, INC., SOUTHEASTERN LIHTC :
MANAGEMENT, INC., R. TIMOTHY SINGLETON, :
AND SINGLETON & ASSOCIATES, INC., :

Plaintiffs, :

-VS- :

ARCH SPECIALTY INSURANCE COMPANY, :
SCOTTSDALE INSURANCE COMPANY, CHUBB :
INSURANCE COMPANY, AND MARCH USA, :
INC., :

Defendants. :

Case No. 2:08-CV-149-MHT

NOTICE OF PREVIOUS DISMISSAL

COME NOW Keycorp Investment Limited Partnership III, Village Manor Limited and Cleveland Apartments, L.P., by and through their counsel of record and notify's this Court of their dismissal and accordingly they are not parties in this proceeding, have no interest in this proceeding and request this Honorable Court to remove them as parties of record in this proceeding. As further grounds, state as follows:

1. Keycorp Investment Limited Partnership III, Village Manor Limited and Cleveland Apartments, L.P. were Plaintiffs in a state court action against the parties who are now Plaintiffs in this case. The State Court action was filed in the Circuit Court of Montgomery County, Alabama, CV-05-2795 and it was settled and dismissed with prejudice.

2. After it was settled and dismissed in State Court, the Defendants in the State Court case filed a third-party complaint against the parties who removed this case to this Court.

3. Keycorp Investment Limited Partnership III, Village Manor Limited and Cleveland Apartments, L.P. do not assert a claim against any party and no claims have been asserted against them by any party. Keycorp Investment Limited Partnership III, Village Manor Limited and Cleveland Apartments, L.P. are improperly before this Court and should be dismissed.

WHEREFORE, Keycorp Investment Limited Partnership III, Village Manor Limited and Cleveland Apartments, L.P. request this Honorable Court to remove them as parties of record from this case and to remove David W. Henderson, Michael J. Cohan and Robert N. McGehee, Jr. from the certificate of service.

Respectfully submitted this the 20th day of March, 2008.

/s/ David W. Henderson

DAVID W. HENDERSON (ABS-4048-D57H)

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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing upon the parties listed below by placing a copy of the same in the U. S. Mail, postage prepaid, on this the 20th day of March, 2008.

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